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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,095	09/03/2003	Noel Lee	P1544	6888

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LaRiviere, Grubman & Payne, LLP
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Monterey, CA 93942

EXAMINER

SAN MARTIN, EDGARDO

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/655,095	Applicant(s) LEE ET AL.	
	Examiner Edgardo San Martin	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurita et al. (JP 63036698 A).

Kurita et al. teach a surround sound system and method, comprising a surround sound tower (Figs.1 and 2, Item 1) being vertically disposed; a base plate (Figs.1 and 2, Item 4) being horizontally disposed; and means (Fig.2, Items 9,11b and 12) for angularly positioning the surround sound tower on the base plate, the surround sound tower being mounted on, and normal to, the angularly positioning means (Figs.1 and 2; Abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 – 7, 10, 12 – 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurita et al. (JP 63036698 A) in view of Wilson (US 4,450,322).

With respect to claims 2, 10, 12 and 20, Kurita et al. teach the limitations discussed in a previous rejection, but fail to disclose means for indicating an angular rotation of the surround sound tower relative to the base plate, and means for facilitating rotation of the angular rotation indicating means.

On the other hand, Wilson teaches a means for indicating a movement or translation of a surround sound tower relative to a base plate (Fig.6, Item 49).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Wilson means for indicating a movement or translation of a surround sound tower relative to a base plate with the Kurita et al. design because the means for indicating a movement or translation would provide an accurate measurement of the speaker rotating needed to adjust the speaker to an optimum listening position without the employment of extra equipment, based on the dimension and acoustical properties of the room.

With respect to claims 3, 10, 13 and 20, Wilson teaches the indicating means having visible markings (Fig.6, Item 49), in addition, Kurita et al. seem to teach the use of ball bearings (Fig.2, Item 9); however, the Examiner takes Official Notice that it is well known in the art of machines elements to employ ball bearings to facilitate a rotational movement.

With respect to claims 4, 5, 14 and 15, Wilson teaches wherein the surround sound tower comprises at least one feature selected from a group consisting essentially of a center channel speaker and a tweeter module (Fig.1, Item 17), and wherein the tweeter module comprises a tweeter (Col.4, Lines 9 - 11).

With respect to claims 6 and 16, Wilson teaches wherein the tweeter module further comprises a detachable permeable tweeter housing disposed around the tweeter (Fig.1, Item 18).

With respect to claims 7 and 17, the Examiner considers that Kurita et al. teach a binding element disposed at a rear surface of the tower for both electronically and mechanically binding the tower to the positioning means (Fig.1, Items 6 and 7). In addition, the Examiner considers that Wilson inherently teaches further comprising a binding element disposed at a rear surface of the tower for both electronically and mechanically binding the tower to the positioning means. The Examiner considers that in order for the plurality of speaker units to work in a tower configuration, there is necessary the use of a device that electronically and mechanically bind the tower to the positioning means.

3. Claims 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurita et al. (JP 63036698 A) in view of Wilson (US 4,450,322), and further in view of Shirasaki (JP 61020489).

Kurita et al. and Wilson teach the limitations discussed in a previous rejection, but fail to disclose further comprising means for indicating a sonic intensity.

Nevertheless, Shirasaki teaches a speaker system comprising means for indicating a sonic intensity, wherein the sonic intensity indicating means comprises a light emitting device (Fig.3, Item 6., Abstract).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Shirasaki sonic intensity indicator with the Kurita

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et al. and Wilson design because the sonic intensity indicator would provide a visible feedback of the speaker system sonic performance that could be useful to visually identify when the speaker system is producing a high or low sonic output; or to be use as a light emitting device when some illumination is desired.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner considers that the new found patent to Kurita et al., and in obvious combination with the patents to Wilson and Shirasaki teach the limitations described in the claims as discussed above.

Conclusion

5. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
February 23, 2005